AMO REPORTS 84-8

RESPONSE TO BILL 93: AN ACT RESPECTING PUBLIC LIBRARIES

THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO
NOVEMBER 1984

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ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Association of Municipalities of Ontario, a non-partisan voluntary organization, is united to promote the values of the municipal government system and the status of the municipal level of government as a vital and essential component of the total intergovernmental framework of Ontario and Canada.

The Association acts as the collective voice of Ontario's municipal governments and is organized to accomplish through cooperation and coordination, what the majority have neither the time nor the resources to do individually.

The Association represents some six hundred (600) municipal governments throughout Ontario. The governing body is composed of some eighty (80) municipal elected and appointed officials, who in turn represent a wide-range of municipal government interest.

The following sections and affiliated municipal professional associations form an important part of the Association's structure and therefore, play an important part in its activities in terms of the Board of Directors, program and policy development:

Association Sections:

* County and Regional Section
* Large Urban Section
* Northern Ontario Section (FONOM/NOMA)
* Rural (ROMA) Section
* Organization of Small Urban Municipalities Section

Association Affiliates:

* Association of Municipal Clerks and Treasurers of Ontario
* Association of Municipal Tax Collectors of Ontario
* Municipal Engineers Association
* Ontario Municipal Administrators Association
* Ontario Municipal Personnel Association
* Ontario Municipal Social Services Association
* Society of Directors of Municipal Recreation of Ontario

To the Municipal Clerk:

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AMO RESPONSE TO BILL 93:
AN ACT RESPECTING PUBLIC LIBRARIES

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AMO Report 84-8 was submitted to the Honourable Claude Bennett, Minister of Municipal Affairs and Housing, on November 19, 1984, and to the Honourable Susan Fish, Minister of Citizenship and Culture on November 20, 1984.

AMO RESPONSE TO BILL 93:
AN ACT RESPECTING PUBLIC LIBRARIES

1. BACKGROUND

The Association of Municipalities of Ontario has for many years demonstrated a genuine interest in the legislation governing the provision of public library services. This interest is based on the concern of municipalities for the provision of a high level of service, AMO's policies related to special purpose boards and commissions including library boards, and the high level of financial support that municipalities provide for public library services in Ontario.

AMO has repeatedly asked the Provincial Government to give municipalities greater authority and responsibility for the administration of public libraries and more control over the allocation and expenditure of funds for the provision of library services. These requests have been stated in several of AMO's policy papers related to library services including:

- AMO's Response to the Bowron Report (1976)
- AMO Reports 9: Special Purpose Boards and Commissions (1980)
- AMO Reports 12: Public Libraries in the 1980's (1980)
- AMO Reports 57: Ontario Public Libraries Program Review (1981)
- AMO Reports 83-8: Response to the Ontario Public Library System Consultation Paper: A Foundation for the Future (1983)

In June 1984, the Provincial Government introduced Bill 93, which, in effect, would constitute a new Public Libraries Act for Ontario. In reviewing and responding to this Bill the Association has relied on policies adopted by its membership over the past decade. In particular, the Association would reaffirm its belief in the principles adopted in 1980 as part of AMO Reports 9, and listed below:

- As many special purpose boards and commissions as possible should be eliminated and the responsibility for their present functions should be assigned directly to council.

- Major decisions on policy and spending should be made by elected members of council while delegation to staff and appointees, of administrative and minor matters, should be increased.

- Where special purpose boards and commissions exist, final political and financial control should rest with the municipal council.

- Where special needs exist affecting two or more municipalities, the establishment of voluntary inter-municipal committees reporting back to their own councils should be considered rather than the use of special purpose bodies.

- In those instances when councils may appoint either elected or non-elected persons to special purpose bodies, it would be preferable that elected representatives retain the majority.

- Where non-elected persons are appointed to special purpose boards and commissions, accountability must be ensured. Council shall have the power to recall all appointees.

- Municipal councils should consider moving toward more political and financial accountability at the speed which suits the circumstances of the municipality.

- Provincial grants should be received directly by the municipal council to allow council to allocate revenues according to its priorities.

- No appointments to special purpose boards and commissions should extend beyond the length of term of council. Reappointment would permit continuity

Specifically, with respect to public libraries, AMO has consistently asked for the following:

- flexibility to assign the management and operation of library services to a municipal department, a committee of council or a library board.

- authority for municipal council to make all appointments to the body responsible for the management and operation of public libraries, unfettered by any legislative provisions related to size or source of appointments.

- complete budgetary control over libraries by municipal council, including the allocation of the Provincial Government per capita grants to the municipality as part of the general support grant.

- continued delivery of library services at the local level so as to maintain ease of access to public libraries for the general public.

- flexibility for a municipality to co-ordinate the delivery of library services to its citizens in the manner best suited to its needs, that is, through a local, union (two or more) or county arrangement.

- continuation of a provincial library service to provide highly specialized services and to make such services available to all local public libraries.

- that a high level of <u>basic</u> library service be provided, in an effective manner, to all citizens in the Province, free of charge. "Basic" services should be defined as access to the public library and use of books, reading material and reference materials in the library. Also, circulation of books and other printed materials should be free of charge to citizens of the municipality provided a reasonable fee can be charged to cover the administrative costs associated with the provision of library circulation cards.

The following pages will state AMO's general reaction to the proposals in Bill 93. An Appendix to this report provides a section-by-section summary of AMO's reaction to the specifics of the proposed legislation, and is available through the AMO offices.

The Association's submission regarding Bill 93 is broad-based and represents a consolidated municipal perspective of those legislative changes that are required to improve the delivery of library services in the Province of Ontario. AMO trusts that the Provincial Government and the Legislature will recognize fully the important role that the municipal level of government has to play in the provision of library services and the formulation of the new Public Libraries Act and that the recommendations contained in this paper will be given careful and full consideration.

2. LIBRARY MANAGEMENT AND OPERATION

Bill 93 continues the present system of mandating library boards as the body responsible for the management and operation of public libraries.

The Association believes that functions of this importance to the general public should be the responsibility of the municipal council, the level of government closest to the people and directly accountable to the electorate. Options to a library board, such as a municipal department or a committee of council, should be made available in the legislation. This belief is based on the principle of maintaining maximum flexibility in the provision of important services to allow the unique and special circumstances which exist in many municipalities to be addressed in the most effective and efficient manner possible.

At present, the management and operation of public libraries may be assumed directly by municipal council through private legislation, but this avenue remains a complicated and cumbersome alternative to the provisions of the Public Libraries Act. The Association believes that alternatives must be provided in the Act so as to be easily available to all municipalities if council decides to utilize a mechanism other than the library board for the delivery of library services.

The Association contends that concerns expressed relative to the low priority that councils would give to public library services if this authority was provided, are unfounded. Municipal interest in public library issues, individually and through AMO, and increasingly higher levels of municipal funding for library services are an indication of the high priority that public libraries are accorded by municipal councils.

Therefore, AMO recommends:

1. That Bill 93 include within its provisions alternatives to the "library board" for the management of public libraries, and that these alternatives include a municipal department or committee of council.

The Association concurs with the provisions of Bill 93 which propose that all appointments to library boards be made by municipal council. AMO does not agree with the other provisions in the Bill relative to these appointments. Bill 93 would impose size limits, require council to make appointments from school boards in certain instances and limit the number of council appointments to a library board.

The Association believes that, like the body responsible for providing library services, the appointments to that body must be made by municipal council, unfettered by legislative provisions. There is no evidence to indicate that council would exercise that authority in anything but a responsible manner, appointing those individuals from within the community that would best serve the needs of the municipality with respect to library services.

Therefore, AMO recommends:

2. That Bill 93 delete any reference to size limits (minimums and maximums), source of appointments or elected representation on any body designated as being responsible for the management and delivery of library services.

3. LIBRARY FUNDING AND BUDGETARY CONTROL

AMO has consistently recommended that the annual per capita grants assigned to library boards for library purposes should be assigned to municipal council as a positive step towards the deconditionalization of Provinicial transfers to municipalities. Concerns from the library community related to reduced funding have not proven themselves to be justified. In fact, municipal contributions have increased as a percentage of total library funding for several years. Municipal councils have shown the foresight to allocate funds to those services designated as being most important to the populace and most worthy of funding. As such, the provisions of subsection 30(2) that designate the

municipality as the recipient of per capita grants should be extended to cover all situations, therefore ensuring direct accountability to the electorate for library expenditures.

Therefore, AMO recommends:

3. That section 30 of Bill 93 and any relevant regulations should provide for per capita library grants to be transferred to the municipal council(s) responsible for the provision of library services.

Given the proportion of the public library budget that municipalities are responsible for providing, and, the fact that municipalities have demonstrated recognition that libraries are an important public service by providing increasing dollars over the past ten years, the Association submits that municipal councils should have full budgetary control over public libraries in Ontario. Section 24 of the Bill would provide this authority.

Therefore, AMO recommends:

4. That the provisions outlined in section 24 of Bill 93: An Act respecting Public Libraries be retained.

AMO also supports the proposals within the Bill that would require that basic library services (library access and use of books and other materials within the library) be provided free of charge. The circulation of printed materials should also be provided to the local populace free of charge, provided a reasonable administrative fee can be charged to cover the costs associated with the provision of library circulation cards. Subsections 23(3)(a) and (c) would permit the charging of fees for other services or for the use of circulation and information services by other than the local population.

Given the above, AMO recommends:

5. That subsection 23(3) be amended by the addition of a new subsection (d) that would permit the charging of an administrative fee to cover the costs of providing library circulation cards.

4. DELIVERY OF LIBRARY SERVICES

It is AMO's belief that the delivery of library services at the local municipal level is necessary if libraries are to remain easily accessible to the people of Ontario. This belief is neither contradictory nor does it eliminate the possibility of union and county library systems where a "central agency" is utilized to co-ordinate service delivery and take advantage of economies of scale.

AMO supports the delivery of library services at the local municipal level through branch libraries, many of which are in existence, and the continued operation of all existing "branches", unless the "central agency" and the municipality concerned agree to the closure of a particular "branch". Section 21 of Bill 93 proposes that the county library only be required to operate one branch library when in fact several "branches" may have existed prior to the establishment of the larger unit of service.

Therefore, AMO recommends:

6. That the provisions in Bill 93 which provide for the management of public libraries to be at the local, union or county level be retained.

7. That section 21 of Bill 93 be amended to require that all local library "branches" remain in operation if a union or county system is implemented unless otherwise agreed to by the municipalities concerned in the case of a union system, or, the county and the affected municipality in the case of a county system.

5. PROVINCIAL LIBRARY SERVICES

Bill 93 would establish the Ontario Library Service to replace the existing Regional Library Service for the delivery of provincial library services. Although the Bill would make several significant changes to the legislation with respect to this system, including requirements to submit estimates and annual financial reports to the Minister, establishing objectives for service boards and providing service boards with the authority to deliver public library services in northern Ontario, AMO would generally concur with the proposals set out in the bill.

In particular, AMO would concur with the provisions of subsection 33(2)(c) that would give the Minister authority to appoint representatives from municipalities with a population of less that 15,000 to an Ontario Library Service board. AMO would encourage the Minister to do so where necessary, as soon as possible after the proclamation of the Bill.

Therefore, AMO recommends:

8. That the provisions in Bill 93 related to the Ontario Library Service (sections 31-38) be retained and that the Minister, under subsection 33(2)(c), appoint to the various service boards representatives from municipalities with populations of less than 15,000.

This part of AMO's response to Bill 93 has concerned itself with the general policy issues associated with public libraries that AMO has spoken to in the past. It expresses AMO's support or opposition to the Bill in general terms.

An Appendix to this report is available on request, and provides a section-by-section summary of AMO's response to the Bill.

6. SUMMARY OF RECOMMENDATIONS

1. That Bill 93 include within its provisions alternatives to the "library board" for the management of public libraries and that these alternatives include a municipal department or a committee of council.

2. That Bill 93 delete any reference to size limits (minimums and maximums), source of appointments or elected representation on any body designated as being responsible for the management and delivery of library services.

3. That Section 30 of Bill 93 and any relevant regulations should provide for per capita library grants to be transferred to the municipal council(s) responsible for the provision of library services.

4. That the provisions outlined in section 24 of Bill 93: An Act respecting Public Libraries be retained.

5. That subsection 23(3) be amended by the addition of a new subsection (d) that would permit the charging of an administration fee to cover the costs of providing library circulation cards.

6. That the provisions in Bill 93 which provide for the management of public libraries to be at the local, union or county level be retained.

7. That section 21 of Bill 93 be amended to require that all local library "branches" remain in operation if a union or county system is implemented unless otherwise agreed to by the municipalities concerned in the case of a union system, or, the county and the affected municipality in the case of a county system.

8. That the provisions in Bill 93 related to the Ontario Library Service (sections 31-38) be retained and that the Minister, under subsection 33(2) (c), appoint to the various service boards representatives from municipalities with populations of less than 15,000.

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